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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Angwin et al.

Serial No.: 09/816,005

Filed: March 23, 2001

For: Method, Apparatus, and
Program for Providing Scripted
Electronic Business Cards and
Electronic Calendars

36736

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

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Group Art Unit: 2144

Examiner: Maniwan, Joseph R.

Attorney Docket No.: RSW920000160US1

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By:

Amelia C. Turner
Amelia C. Turner

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Commissioner for Patents
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Sir:

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- Appeal Brief (37 C.F.R. 41.37)

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Respectfully submitted,



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Docket No. RSW920000160US1

PATENT

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For: Method, Apparatus, and Program
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Group Art Unit: 2144

Examiner: Maniwang, Joseph R.

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on 10.17.05

By:

Amelia C. Turner
Amelia C. Turner

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on August 17, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this
brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

10/18/2005 MGE BREM1 00000060 090461 09816005

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(Appeal Brief Page 1 of 21)
Angwin et al. - 09/816,005

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1, 2, 4-11, 13-19, and 21-23

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 3, 12, and 20
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1, 2, 4-11, 13-19, and 21-23
4. Claims allowed: NONE
5. Claims rejected: 1, 2, 4-11, 13-19, and 21-23
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 2, 4-11, 13-19, and 21-23

STATUS OF AMENDMENTS

There were no amendments made after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1:

The presently claimed invention provides a method for providing personal data to a recipient. The present invention provides a personal data object 544, 564 that includes personal data and a template with embedded code for generating a personal data output. See specification, page 12, line 21, to page 13, line 11; page 16, lines 16-25; page 17, line 22, to page 18, line 25; page 19, lines 1-6; and, page 20, lines 13-18. The present invention receives at least one credential for a recipient. See specification, page 14, line 25, to page 15, line 9; page 17, lines 12-15; page 19, line 23, to page 20, line 6; and, page 20, line 23, to page 21, line 2. The present invention then activates the embedded code in the template to dynamically generate a personal data output based on the at least one credential. See specification, page 15, line 11, to page 16, line 5; page 17, lines 15-20; page 18, lines 19-25; page 19, lines 15-21; page 20, lines 8-11; and, page 21, lines 1-8. The present invention delivers the personal data output to the recipient. See specification, page 14, lines 21-23; page 16, lines 7-14; page 20, lines 8-11; and, page 21, lines 8-9.

Independent claims 10:

The presently claimed invention provides an apparatus for providing personal data to a recipient. The present invention provides a personal data object 544, 564 that includes personal data and a template with embedded code for generating a personal data output. See specification, page 12, line 21, to page 13, line 11; page 16, lines 16-25; page 17, line 22, to page 18, line 25; page 19, lines 1-6; and, page 20, lines 13-18. The present invention receives at least one credential for a recipient. See specification, page 14, line 25, to page 15, line 9; page 17, lines 12-15; page 19, line 23, to page 20, line 6; and, page 20, line 23, to page 21, line 2. The present invention then activates the embedded code in the template to dynamically generate a personal data output based on the at least one credential. See specification, page 15, line 11, to page 16, line 5; page 17, lines 15-20; page 18, lines 19-25; page 19, lines 15-21; page 20, lines 8-11; and, page 21, lines 1-8. The present invention delivers the personal data output to the recipient. See specification, page 14, lines 21-23; page 16, lines 7-14; page 20, lines 8-11; and, page 21, lines 8-9. The means

recited in independent claim 10, as well as dependent claims 11 and 13-18, may be data processing hardware within server 200, client 300, and combinations thereof, as described in the specification at page 8, line 13, to page 12, line 19, operating under control of software performing with the functionality described in the specification at page 20, line 20, to page 21, line 9, or equivalent.

Independent claim 19:

The presently claimed invention provides a computer program product for providing personal data to a recipient. The present invention provides a personal data object 544, 564 that includes personal data and a template with embedded code for generating a personal data output. See specification, page 12, line 21, to page 13, line 11; page 16, lines 16-25; page 17, line 22, to page 18, line 25; page 19, lines 1-6; and, page 20, lines 13-18. The present invention receives at least one credential for a recipient. See specification, page 14, line 25, to page 15, line 9; page 17, lines 12-15; page 19, line 23, to page 20, line 6; and, page 20, line 23, to page 21, line 2. The present invention then activates the embedded code in the template to dynamically generate a personal data output based on the at least one credential. See specification, page 15, line 11, to page 16, line 5; page 17, lines 15-20; page 18, lines 19-25; page 19, lines 15-21; page 20, lines 8-11; and, page 21, lines 1-8. The present invention delivers the personal data output to the recipient. See specification, page 14, lines 21-23; page 16, lines 7-14; page 20, lines 8-11; and, page 21, lines 8-9. The computer instructions embodied on a computer readable medium are as described with reference to Figure 6 in the description at page 17, line 22, to page 18, line 25; page 20, line 13, to page 21, line 9; page 21, line 24, to page 22, line 8; or equivalent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection on appeal are as follows:

- I. Claims 1, 2, 4-11, 13-19, and 21-23 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Douvikas et al.* (U.S. Patent No. 6,633,311).

ARGUMENT

I. 35 U.S.C. § 102. Alleged Anticipation of Claims 1, 2, 4-11, 13-19, and 21-23

The Final Office Action rejects claims 1, 2, 4-11, 13-19, and 21-23 under 35 U.S.C. § 102 as being anticipated by *Douvikas et al.* (U.S. Patent No. 6,633,311). This rejection is respectfully traversed.

Douvikas teaches an electronic service to manage and export contact information. The electronic service of *Douvikas* allows a user to create an electronic business card by entering personal data into a user interface. The user may mark information as being private, semi-private, or public by selecting radio buttons. See *Douvikas*, Figures 7A and 7B, 722, 724, 726; col. 5, line 64, to col. 6, line 24; col. 9, lines 21-39. The personal data is then stored as records and fields in a database. A small integer field indicates whether a particular field is private, semi-private, or public. See *Douvikas*, Figures 19A-19C; col. 13, lines 43-50.

Douvikas further teaches that a controlling software application provides the electronic business card system functionality. This software includes a session manager, a login servlet, a search servlet, a database connectivity interface, and a template engine. See *Douvikas*, col. 11, line 60, to col. 12, line 10. However, only the database connectivity interface (JDBC objects/classes) performs the functions of generating personal data using structured query language (SQL) statements. See *Douvikas*, col. 13, lines 2-13. Thus, in order to request an electronic business card, a user must be logged into the electronic business card system and the electronic business card system software itself retrieves and presents the data from database fields and records.

In contradistinction, the present invention provides personal data in a more portable format. The present invention provides a personal data object that includes a template with embedded code. This embedded code may then be activated to dynamically generate personal data based on a recipient's credentials. Claim 1, for example, recites:

1. A method for providing personal data to a recipient, comprising:
providing a personal data object, wherein the personal data object includes
a template with embedded code for generating a personal data output;
receiving at least one credential for the recipient;

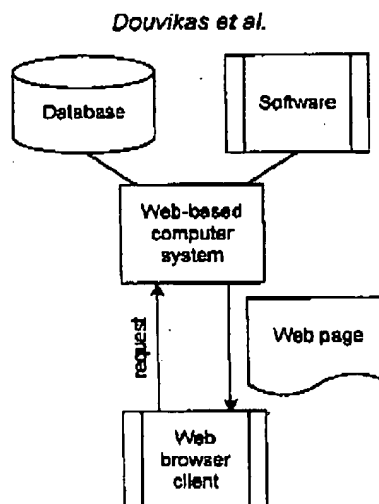
activating the embedded code in the template to dynamically generate a personal data output based on the at least one credential; and delivering the personal data output to the recipient.

Douvikas does not teach or suggest a personal data object that includes a template with embedded code that may be activated to generate personal data. To the contrary, *Douvikas* stores personal data in a database format and relies on specific server software to query the database and return appropriate personal data based on the credentials of the requesting user.

Douvikas teaches a front end software framework that manages access to electronic business card data. The front end is separate and distinct from the business data itself. *Douvikas* states:

In one embodiment of the present invention, an electronic business card (EBC) access and organization system operates from a Web-based computer system that includes a database and software for managing access, data privacy, and dynamic updates. The cardholder database, i.e., the database containing records of each registered cardholder (or "Member" of the EBC system), is accessible from any Web browser connected to the Internet. Examples of such common Web browsers are Microsoft's Internet Explorer and Netscape.RTM. Navigator.RTM.. In an alternate embodiment, the EBC system may be installed behind a conventional network "firewall" security device and thus made accessible only to browsers connected to and authorized to use the intranet defined by and behind the firewall.

Douvikas, col. 2, lines 17-30. Below is a block diagram of the EBC system as described by *Douvikas*:



As shown above, a Web-based computer system includes a database and software. The database and the software are separate, as described in *Douvikas*. Also, the software, not the database, is responsible for managing access and data privacy. Contrary to the present invention, in no way is the software of *Douvikas* embedded in a personal data object.

The Final Office Action alleges that *Douvikas* teaches that an electronic business card containing personal contact information is provided to an e-mail recipient at col. 8, lines 7-17 and 52-53, which read as follows:

Either the signature hyperlink or the vCard (which can also contain a hyperlink) can then be used by conventional email programs. Electronic mail sent by the cardholder is automatically formatted to contain a signature hypertext link, according to the well-known hypertext markup language (HTML) standard or any of its common variants, directing recipients of the email to the electronic business card access and organization system. This hyperlink enables the recipient of the email to rapidly access the EBC system to locate the cardholder and/or obtain additional information...

Douvikas, col. 8, lines 7-17.

Let's walk through the process of becoming a Member.

1. From the Member login screen, click the Become a Member button.
2. Fill in your Card Profile: the profile contains all of your contact information and can be updated as needed. See the help menu topic "Set Up Your Card" for more information.

Douvikas, col. 8, lines 49-55. At best, *Douvikas* teaches that a vCard can contain a hyperlink. However, there is no teaching in *Douvikas* that a personal data object includes a **template** with **embedded code** for generating personal data output, particularly where the embedded code is activated to dynamically generate a personal data output based on at least one credential, as in the presently claimed invention. In fact, *Douvikas* specifically teaches that the vCard is a known feature, which prior to the present invention contained no embedded code. See *Douvikas*, col. 8, lines 18-21. Unlike the present invention, *Douvikas* proposes providing a separate and distinct business card front end to provide additional information.

The Final Office Action alleges that *Douvikas* teaches that a card is displayed using a template with embedded tags replaced by customized data at col. 13, lines 15-22, which reads as follows:

All pages displayed by the Boomerang application, including the help and information screens, are dynamically generated. The base HTML code and image links for these pages are stored as template files which are preloaded on servlet initialization. These files are parsed and custom tags replaced with data extracted from the database (or calculated) before sending the page to the requester and display to the user.

Clearly, this portion refers to help and information screens and not a personal data object. The Office Action proffers no analysis as to why a simple hyperlink in a vCard and customary help and information screens in HTML are somehow equivalent to a personal data object that includes a template with embedded code for generating personal data output, particularly where the embedded code is activated to dynamically generate a personal data output based on at least one credential, as recited in claim 1, for example.

To the contrary, *Douvikas* actually teaches an electronic business card system that is very different from the presently claimed invention, because *Douvikas* teaches a Web-based front-end software system that is separate from the personal data in a database. In fact, *Douvikas* actually teaches away from the presently claimed invention because it teaches using specific software, separate from the data itself to manage access and data privacy, as opposed to a personal data object that includes a template with embedded code, as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Douvikas* with a personal data object with embedded code, one of ordinary skill in the art would not be led to modify *Douvikas* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Douvikas* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using Appellants' disclosure as a template to make the necessary changes to reach the claimed invention.

The applied reference fails to teach or fairly suggest each and every claim limitation; therefore, *Douvikas* does not anticipate claim 1. Independent claims 10 and 19 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2, 4-9, 11, 13-18, and 21-23 depend from claims 1, 10, and 19, the same distinctions between *Douvikas* and the invention recited in claims 1, 10, and 19 apply for these claims. Additionally, claims 2, 4-9, 11, 13-18, and 21-23 recite other additional combinations of features not suggested by the reference.

Therefore, Appellants respectfully request that the rejection of claims 1, 2, 4-11, 13-19, and 21-23 under 35 U.S.C. § 102 not be sustained.

IA. 35 U.S.C. § 102, Alleged Anticipation of Claims 4, 13, and 21

With respect to claims 4, 13, and 21, *Douvikas* does not teach or suggest that the personal data object comprises at least one of a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code. While *Douvikas* teaches that the electronic business card service software uses Java, the applied references does not teach a personal data object that includes personal data and a template with embedded code, wherein the personal data object comprises a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code, as recited in claims 4, 13, and 21.

The Final Office Action alleges that *Douvikas* teaches a personal data object comprising a Java class and a Java server page, as it was disclosed that displayed HTML pages are returned to the requester, at col. 12, lines 65-67, which reads as follows:

After processing the URL and form parameters, a HTML document (e.g., a results screen) is returned to the requestor, typically the browser window.

Thus, *Douvikas* does indeed appear to teach processing a URL and returning a HTML document. However, this falls well short of the limitations of claim 4, for example. In no way is a simple HTML document equivalent to a personal data object including personal data and a template with embedded code for generating a personal data output that comprises a signed Java class, a Java server page, or a text file with fields replaced by JavaScript code. The Final Office Action proffers no analysis as to why the seemingly irrelevant cited portion somehow anticipates claim 4, for example.

The Final Office Action further alleges that *Douvikas* teaches implementing a personal data object including personal data and a template with embedded code for generating a personal data output that is implemented in Java using a Java server page at col. 12, lines 5-6, 15-27; and col. 13, lines 1-6. Col. 12, lines 5-6, teaches that the database may be implemented using JDBC. Col. 12, lines 15-27, teaches that the Web server may be implemented using Java objects. Col. 13, lines 1-6, states:

JDBC Objects/Classes 1340

These consist of generic JDBC classes that execute queries and

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return results in a Java hash table indexed by column name. To make more efficient use of database resources, all structured query language (SQL) statements are prepared at servlet initialization.

Thus, *Douvikas* teaches that the JDBC classes are used to query and return results from the database. Nowhere do any of these cited portions teach that a personal data object including personal data and a template with embedded code for generating a personal data output is implemented in Java using a Java server page, as alleged by the Final Office Action.

Therefore, Appellants respectfully request that the rejection of claims 4, 13, and 21 under 35 U.S.C. § 102 not be sustained.

IB. 35 U.S.C. § 102, Alleged Anticipation of Claims 6 and 15

With respect to claims 6 and 15, *Douvikas* does not teach or suggest that delivering the dynamically generated personal data output comprises attaching the dynamically generated personal data output to an e-mail message. The Final Office Action alleges that *Douvikas* teaches this feature at col. 10, lines 46-57, which states:

A signature file has an HTML link to your Card; when downloaded, the signature file will embed the link into all of your email messages. When someone reads your message and wants to view your contact information, he just clicks on the HTML link and is immediately connected to your Card and your up-to-the-minute contact information.

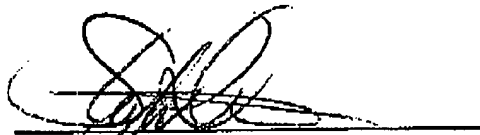
A vCard is a file that holds your contact information in a standard format. Some email packages such as Microsoft Outlook and Netscape Communicator recognize this format and can treat it in a special way. Because it is not a live link, it may display old or inaccurate information, particularly if someone is reading an old email message from you.

Thus, *Douvikas* does indeed appear to teach an HTML link or a vCard embedded in an e-mail message. However, in no way does *Douvikas* teach or even suggest attaching dynamically generated personal data output to an e-mail message. In fact, the cited portion of *Douvikas* actually teaches away from the invention recited in claims 6 and 15, because *Douvikas* teaches a vCard file that holds contact information in a "standard format," which may display "old or inaccurate information." Clearly, *Douvikas* does not anticipate claims 6 and 15.

Therefore, Appellants respectfully request that the rejection of claims 6 and 15 under 35 U.S.C. § 102 not be sustained.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1, 2, 4-11, 13-19, and 21-23 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.



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CLAIMS APPENDIX

The text of the claims involved in the appeal reads:

1. A method for providing personal data to a recipient, comprising:
providing a personal data object, wherein the personal data object includes personal data and a template with embedded code for generating a personal data output;
receiving at least one credential for the recipient;
activating the embedded code in the template to dynamically generate a personal data output based on the at least one credential; and
delivering the personal data output to the recipient.
2. The method of claim 1, wherein the at least one credential comprises an e-mail address.
4. The method of claim 1, wherein the personal data object comprises at least one of a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code.
5. The method of claim 1, wherein the personal data output comprises one of an electronic business card and an electronic calendar.
6. The method of claim 1, wherein the step of delivering the personal data output to the recipient comprises attaching the personal data output to an e-mail message.
7. The method of claim 1, wherein the method is performed by a client device.

8. The method of claim 7, wherein the client device is one of a computer, a personal digital assistant, a telephone device, a pager, and a smartcard.
9. The method of claim 1, wherein the method is performed by a server.
10. An apparatus for providing personal data to a recipient, comprising:
means for providing a personal data object, wherein the personal data object includes a template with embedded code for generating a personal data output;
receipt means for receiving at least one credential for the recipient;
generation means for activating the embedded code in the template to dynamically generate a personal data output based on the at least one credential; and
delivery means for delivering the personal data output to the recipient.
11. The apparatus of claim 10, wherein the at least one credential comprises an e-mail address.
13. The apparatus of claim 10, wherein the personal data object comprises at least one of a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code.
14. The apparatus of claim 10, wherein the personal data output comprises one of an electronic business card and an electronic calendar.

15. The apparatus of claim 10, wherein the delivery means comprises means for attaching the personal data output to an e-mail message.
16. The apparatus of claim 10, wherein the apparatus comprises a client device.
17. The apparatus of claim 16, wherein the client device is one of a computer, a personal digital assistant, a telephone device, a pager, and a smartcard.
18. The apparatus of claim 10, wherein the apparatus comprises a server.
19. A computer program product, in a computer readable medium, for providing personal data to a recipient, comprising:
- instructions for providing a personal data object, wherein the personal data object includes a template with embedded code for generating personal data;
 - instructions for receiving at least one credential for the recipient;
 - instructions for activating the embedded code in the personal data object to dynamically generate personal data based on the at least one credential; and
 - instructions for delivering the personal data to the recipient.
21. The computer program product of claim 19, wherein the personal data object comprises at least one of a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code.

22. The computer program product of claim 19, wherein the at least one credential comprises an e-mail address.

23. The computer program product of claim 19, wherein the personal data output comprises one of an electronic business card and an electronic calendar.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.